

REMARKS

Claims 1-33 and 35 are pending in the present application. Claims 15, 18, 21, and 35 are currently canceled. Claims 1, 4, 6, 7, 10, 13, 16, 25, and 32 are currently amended. Claims 36-40 are new. The amendments and new claim are supported in the application as originally filed, for example in Figures 2-5, and 72, and in paragraphs 12, 167-171, 340, 362, and 390, among other places. No new matter has been added.

Claims 1-4, 7-9, and 35 are rejected under 35 § U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,334,185 to Giesy et al. (hereinafter referred to as "Geisy"). Claims 10, 11, 17, 18, and 19-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,960,160 to Browning (hereinafter referred to as "Browning") in view of U.S. Patent No. 5,626,614 to Hart (hereinafter referred to as "Hart"), and further in view of Giesy. Claims 5, 6, 14, and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Giesy, and the combination of Browning, Hart, and Giesy, and further as a matter of design choice. Claims 25-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Browning in view of U.S. Patent No. 5,324,306 to Makower (hereinafter referred to as "Makower"). Applicants respectfully request reconsideration in view of the following remarks.

Applicants' amended claim 1 recites a delivery device for delivering an implant to an anatomical site in a body of a patient, the device comprising, a handle, a shaft having proximal and distal ends and attached to the handle at the proximal end, the distal end having a curved section and the proximal end having a substantially straight section, a pusher tube slideably fitted over the shaft and extending from the handle distally along the substantially straight section of the proximal end of the shaft, and a pushing mechanism operatively interconnected with the handle for actuating the pusher tube distally along the substantially straight section of the proximal end of the shaft to push an implant into the anatomical site wherein the pusher tube is adapted to form an interface with the implant along the substantially straight section of the proximal end of the shaft.

Giesy discusses a device including a flexible sheath 22 slidably mounted upon a needle 20 and connected to a thumb piece 24. Giesy describes coupling an implant to the device by extending

the sheath over a notch of the needle in order to lockingly engage the loop with the notch. After the device is locked, the implant is inserted into the patient. Giesy does not disclose a pusher tube which forms an interface with the implant along the substantially straight section of the shaft. Any interface between the Giesy tube and implant is formed on the distal end of the shaft. Furthermore, Browning, Hart, and Makower do not disclose a delivery device as recited in Applicants' claim 1. Applicants submit that no combination of the cited references teach or suggest all the limitations of amended claim 1. Claim 10 includes the same limitations as claim 1. In view of the foregoing, Applicants submit that these claims and their dependent claims are in condition for allowance and respectfully request that the Examiner issue a notice of allowance to that effect.

Applicants' amended claim 25 recites a method of delivering an implant to an anatomical site in a body of a patient, the method comprising, slideably interfitting a first guide tube attached to a first end of an implant, over a distal end and along at least a portion of a length of a shaft, wherein the distal end of the shaft has a curved section and a proximal end of the shaft has a substantially straight section, and wherein a pusher tube is slideably interfitted over the substantially straight section of the shaft such that the pusher tube forms an interface with the guide tube along the substantially straight section of the proximal portion of the shaft, positioning at least the distal end of the shaft in a body of a patient, sliding the first guide tube off the shaft to deliver a first portion of the implant into the body of the patient, slideably interfitting a second guide tube attached to a second end of the implant over the distal end and along at least a portion of the length of the shaft, positioning at least the distal end of the shaft in the body of the patient, and sliding the second guide tube off the shaft to deliver a second portion of the implant into the body of the patient.

Applicants submit that none of Browning, Hart, Giesy, and Makower disclose a delivery method as recited in Applicants' amended claim 25. The interfaces between the delivery devices and implants of the cited references are formed on the distal end of the delivery devices. Applicants submit that no combination of the cited references teach or suggest all the limitations of amended claim 25. Claim 32 includes the same limitations as claim 25. In view of the foregoing, Applicants submit that these claims and their dependent claims are in condition for allowance and respectfully request that the Examiner issue a notice of allowance to that effect.

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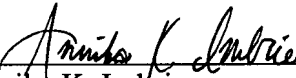
Docket No.: MIY-P01-024

In view of the above amendment, Applicants believe the pending application is in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000.

Applicants believe no fee is due with this response other than what is reflected on the Amendment Transmittal. However, if a fee is due, please charge Deposit Account No. 18-1945, Order No. MIY-P01-024 from which the undersigned is authorized to draw.

Dated: April 6, 2007

Respectfully submitted,

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